IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21753 of 2006

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Dated: October 27, 2006

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Between:

Sri A. Peddanna, S/o. A. Narayana, aged about 52 years, Occ: Service, R/o. H. No.5-32, backside of Verrithathagudi, Brahaman Street, B.K. Samudram (V) & (M), Ananthapur District.

… Petitioner

And

The Deputy Chief Security Commissioner, Railway Protection Force, South Central Railway, Rail Nilayam, Secunderabad.

… Respondent

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondent in not considering and disposing of the appeal dated 07-08-2006, which was preferred by the petitioner against the order dated 17-07-2006, passed by the Divisional Security Commissioner, Railway Protection Force as illegal and arbitrary.

2. Heard learned counsel for the petitioner and Mr. J. Ashok Kumar,

learned Counsel appearing on behalf of the respondent.

3. The facts of the case in brief are:

Petitioner, who was initially appointed as Rakshak in the Railway Protection Force on 18-11-1979, was promoted as Naik and further promoted as Head Constable. Certain disciplinary proceedings were initiated against him by framing a charge pursuant to registration of a crime against him. After conducting enquiry, final order dated 17-07-2006 was passed imposing a penalty of reduction in rank from Head Constable to Constable and basic pay to the minimum, i.e. Rs.3,050/- for a period of 3 years without cumulative effect. Against the said order, petitioner had preferred an appeal dated 07-08-2006 to the respondent, the Deputy Chief Security Commissioner, Railway Protection Force.

4. The grievance of the petitioner is that though two months have elapsed, respondent has not considered and passed orders on his appeal.

5. Respondent has filed counter affidavit stating that disciplinary proceedings initiated against the petitioner are governed by Railway Protection Force Rules, 1987 framed under the Railway Protection Force Act. Rule 220.1 of the Rules has been extracted in the counter affidavit, and the same reads as under:

> "Every appeal or application for revision submitted by an enrolled member of the Force shall, as far as possible be disposed of within a period of three months from the date of its receipt by the authority competent to decide it."

6. As much as the petitioner has filed appeal on 07-08-2006, it cannot be said that there is undue delay on the part of the respondents in disposing of the same.

7. In the circumstances, I dispose of the Writ Petition directing the respondent to pass appropriate orders on the appeal dated 07-08-2006 filed by the petitioner against the order dated 17-07-2006 passed by the Divisional Security Commissioner on its own merits within a period of six weeks from today. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 27, 2006
MRR